



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> July 7, 2006 <b>LOCAL EFFECTIVE DATE</b> July 21, 2006 <b>APPROX FINAL EFFECTIVE DATE</b> August 11, 2005	<b>CONTACT/PHONE</b> Ryan Hostetter 788-2351	<b>APPLICANT</b> TS/MSD, LLC	<b>FILE NO.</b> DRC2005-00195
<b>SUBJECT</b> Request by TS/MCD, LLC, for a Minor Use Permit/Coastal Development Permit to allow the construction of an approximately 750 square foot in-ground pool directly behind the existing single family residence. The project will result in the disturbance of approximately 2000 square feet of a 20,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 288 Mar Vista Drive, in the Community of Los Osos. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2005-00195 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption was issued on June 2, 2006 (ED05-468).			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Archeologically Sensitive, Local Coastal Plan, Coastal Appealable Zone.	<b>ASSESSOR PARCEL NUMBER</b> 074-025-018	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> None applicable.			
<b>LAND USE ORDINANCE STANDARDS:</b> Setbacks and Fencing/Screening. <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion.</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Single family residence currently under construction on the property,	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family/residential      East: Residential Single Family/residential South: Residential Single Family/residential      West: Residential Single Family/residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, Environmental Health, CDF/County Fire Department, Los Osos Community Services District, Regional Water Quality Control Board, and the Coastal Commission.	
TOPOGRAPHY: Nearly level.	VEGETATION: None.
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual on-site septic Fire Protection: CDF/County Fire Department	ACCEPTANCE DATE: May 11, 2006

## DISCUSSION

### COASTAL ZONE LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

#### 23.08.032 - 040

Swimming pools. Including hot tubs, spas, and related equipment, may be located within any required side or rear setback, provided that they are no closer than 18 inches to a property line, and provided that they are fenced as required by Section 23.04.190a(5) (Screening and Fencing). *This project complies with these standards.*

#### 23.04.190

Swimming pools: Yard areas with private swimming pools shall provide fencing as set forth in the Uniform Building Code. *This project complies with these standards as conditioned.*

### COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A

Recreation and Visitor Serving: ☒ N/A

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: ☒ N/A

Agriculture: ☒ N/A

Public Works: ☒ N/A

Coastal Watersheds: *Policy 7: Siting of new development: The proposed project is consistent with this policy because the proposed addition will be located on an existing lot of record in the Residential Single Family category and there is no area of the site with a slope of less than 20 percent.*

*Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan, and all*

*sedimentation and erosion control measures will be in place before the start of the rainy season.*

Visual and Scenic Resources: ☒ N/A

Hazards: ☒ N/A

Archeology: Policy No(s): *Policy 4: Preliminary Site Survey: An archeological surface survey was completed on August 3<sup>rd</sup>, 1994, by Parker and Associates for Tract 2161 which found no resources on the property.*

Air Quality: ☒ N/A

***Does the project meet applicable Coastal Plan Policies: Yes.***

COMMUNITY ADVISORY GROUP COMMENTS:

None.

AGENCY REVIEW:

Public Works—"Pool will drain with existing tract improvements."

Environmental Health—No comment.

CDF—No comment.

Los Osos Community Services District—No comment.

RWQCB—No response.

Los Osos Community Advisory Council—No response.

California Coastal Commission—No response.

LEGAL LOT STATUS:

The existing lot were legally created by a recorded map (Tract 2161 Lot 2) at a time when that was a legal method of creating lots.

Staff report prepared by Ryan Hostetter and reviewed by Mike Wulkan.

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the construction of small new accessory structures, i.e., in-ground swimming pool, is not expected to have a significant impact on the environment.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the construction of an in-ground swimming pool does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because a private in-ground swimming pool is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Mar Vista, a local road constructed to a level able to handle any additional traffic associated with the project.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes
  - a. The construction on an approximately 750-sqaure-foot in-ground pool which will be located approximately 20 feet to the rear of the existing single family residence.

### **Conditions required to be completed at the time of application for construction permits**

#### ***Site Development***

2. **At the time of application for construction permits**, submit a revised ***site plan*** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
  - a. The pool shall have adequate separation with the septic tank and leach lines on the property. All portions of the pool shall be a minimum of 8 feet from any leach line, and a minimum of 5' from any septic tank.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

#### ***Fire Safety***

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

#### ***Services***

5. **At the time of application for construction permits**, the applicant shall provide a letter from Los Osos Community Services District stating they have reviewed and approved the proposed pool.

### **Conditions to be completed prior to issuance of a construction permit**

#### ***Fees***

6. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

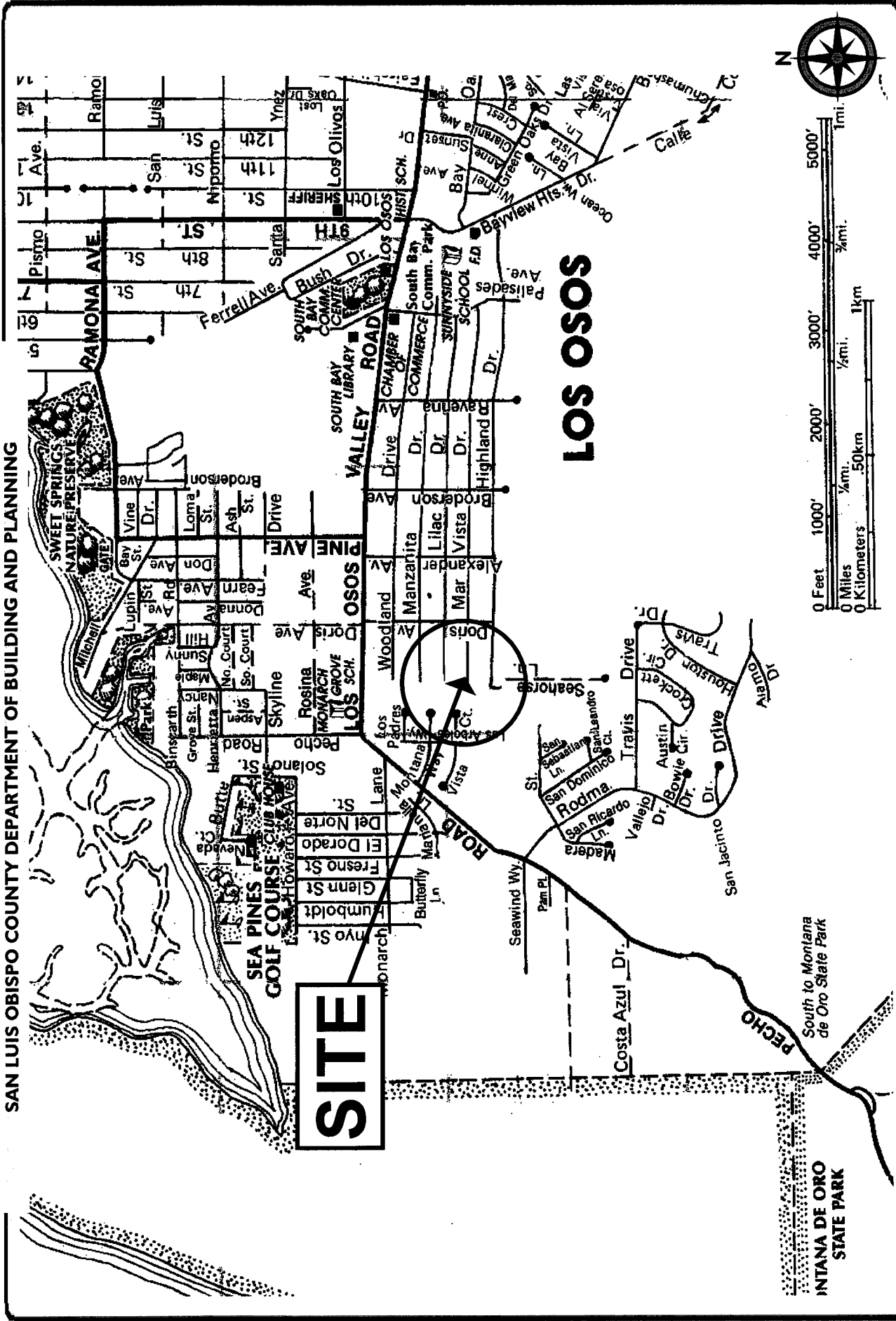
### **Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

7. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

8. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**On-going conditions of approval (valid for the life of the project)**

9. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
10. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Coastal Zone Land Use Ordinance Section 23.10.160.



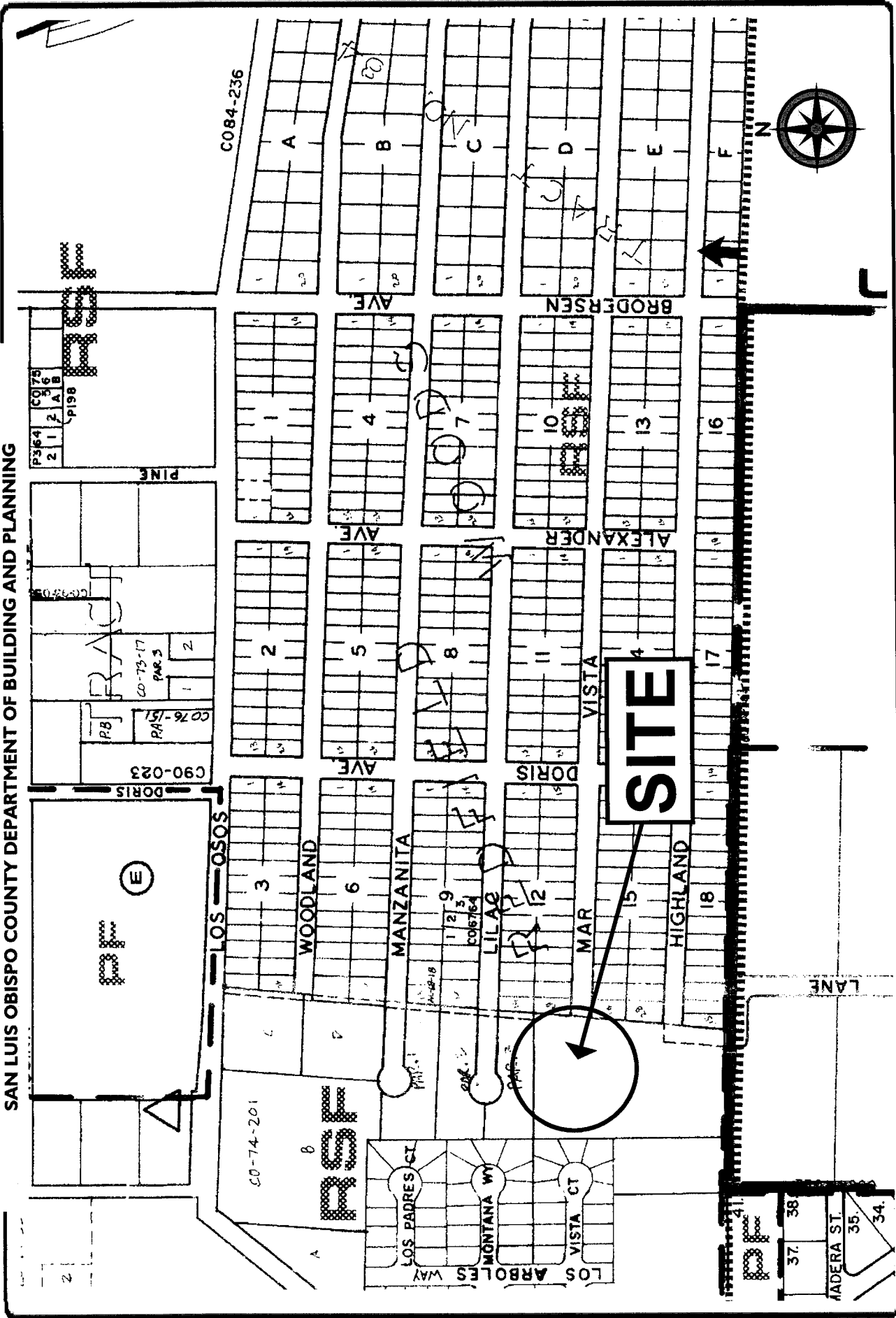
PROJECT Minor Use Permit  
TSMCD, LLC DRC2005-00195

EXHIBIT



Los Osos Vicinity

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

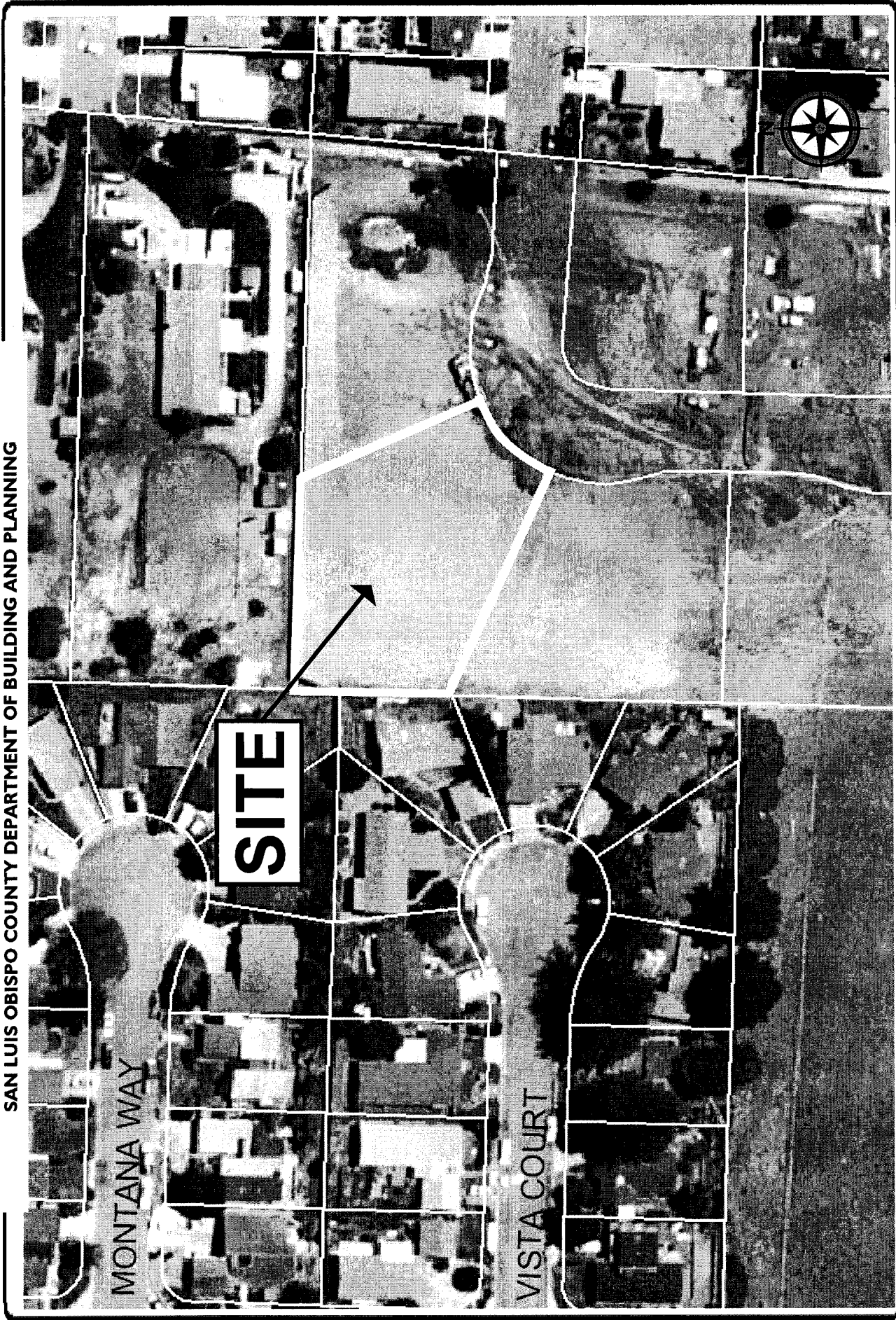
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EXHIBIT

Land Use Category







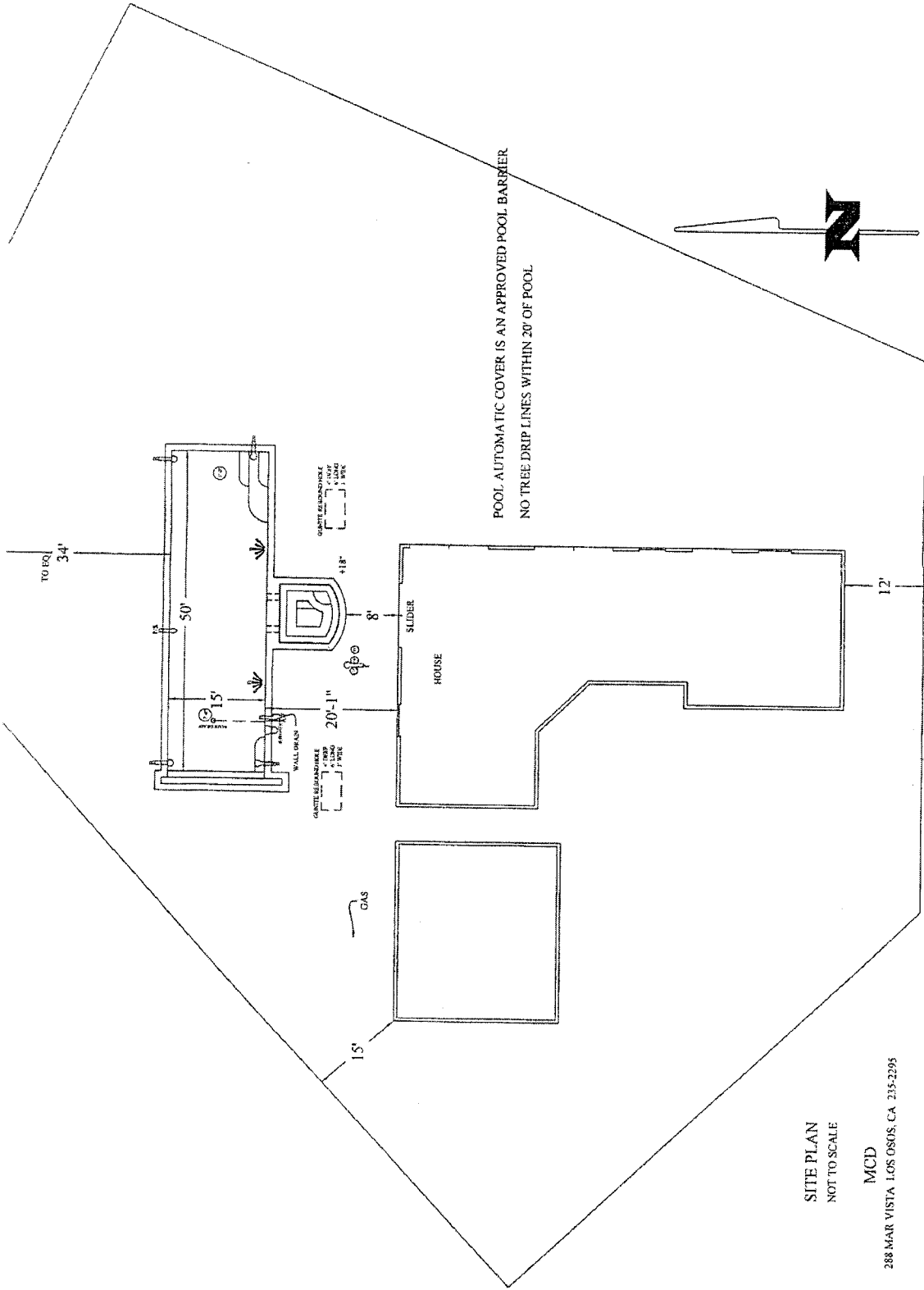
PROJECT

Minor Use Permit  
TSMCD, LLC DRC2005-00195

EXHIBIT

Aerial Photo





EXHIBIT

Site Plan

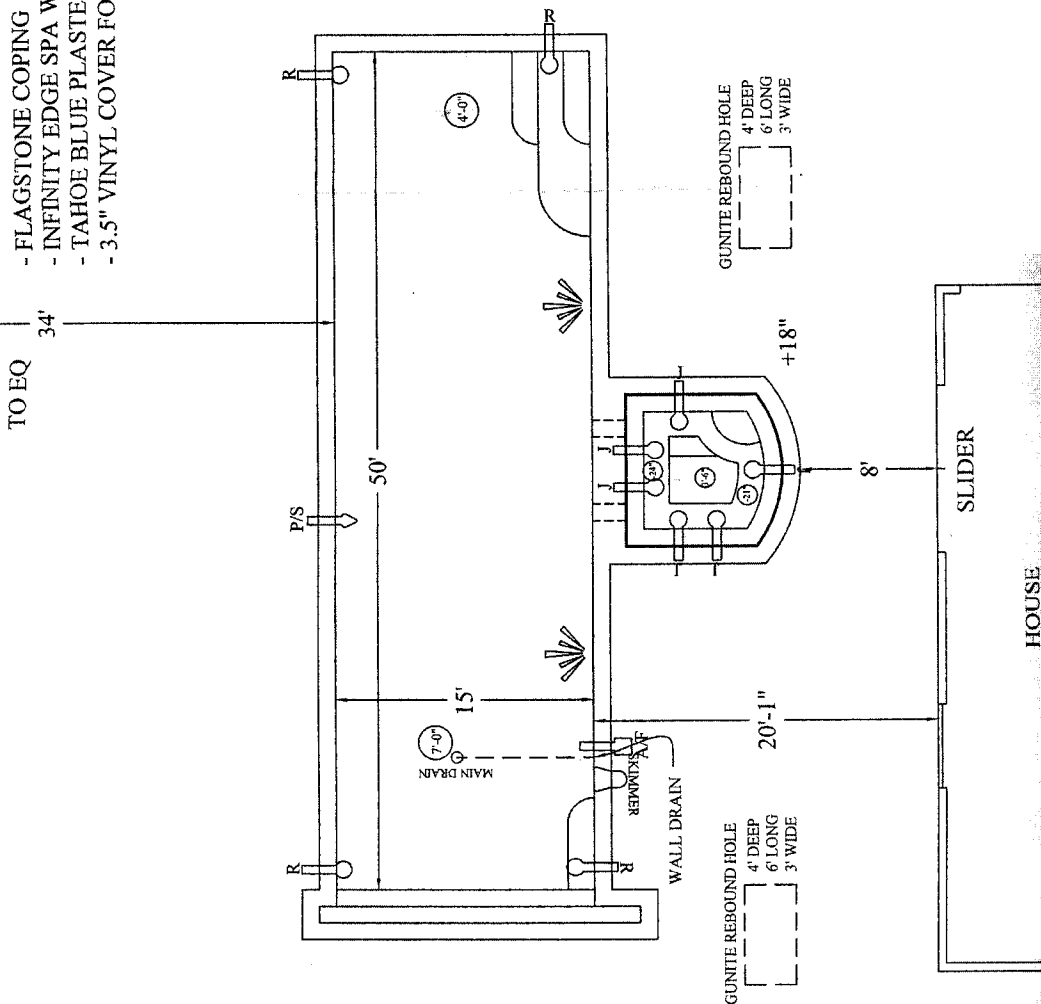


PROJECT

Minor Use Permit  
TS/MCD, LLC DRC2005-00195

MCD  
288 MAR VISTA LOS OSOS, CA 95061

POOL CALCS.  
15'-0" X 15'-0" X 50'-0"  
PERIMETER: 130'  
S/AREA: 750 sq. ft  
GALLONS: 28,100



**POOL EQUIPMENT**  
450 SQ. FT FILTER  
2 HP PUMP  
AUTOFILL  
1 SKIMMER  
2 POOL LIGHTS

SPA CALCS.

77'-0" X 7'-0"  
PERIMETER: 26'  
S/AREA: 46 sq. ft  
GALLONS: 1,200

## SPA EQUIPMENT

6 JETS  
400,000 BTU HEATER  
1 SPA LIGHT  
CP 3800  
1 HP BLOWER

POOL SWEEP

## **POLARIS 280 BOOSTER PUMP**

## DECKING

DECKING:  
DECKING: 000 SQ. FT.  
DECK BY OTHER  
SLATE ROCK COPING



**EXHIBIT**

## Pool/Spa Plan

# PROJECT

Minor Use Permit  
TSMCD, LLC DRC2005-00195

